

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Nineteen

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

19.173 An Ordinance

to Allow Change from One Conforming Use to Another without a Finding

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-9.3 B1& 2 to be consistent with other sections of 9.3.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Amend as shown

§350-9.3 Change, extension or alteration of legally preexisting nonconforming structures, uses, or lots.

Legally preexisting nonconforming structures, uses, or lots may be changed, extended or altered as set forth below, except as noted in § 350-9.2A above. If a use is not eligible under one subsection, proceed to the next subsection.

B. A conforming use on a preexisting nonconforming lot: A conforming use on such a lot may be changed, extended or altered:

(1) As-of-right to the same conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for the pre-existing non-conforming dimensional elements. that are pre-existing non-conforming such as lot size, frontage, or depth and when the lot size, frontage, and depth requirements do not change.

(2) With a finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which a) meets all the dimensional, and density provisions of the current zoning, except for the pre-existing non-conforming dimensional elements and b) when the change does not trigger a review under other sections of the Zoning Ordinance by any other Board. When no other board is required to review the project proposed change, extension or alteration, the Zoning Board shall make a Finding as defined in 9.2B. which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use .(and lot does not fully conform to the present zoning requirements for the proposed use).

Renumber subsequent subsections based upon the deletion above.